

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,

v.

JOHNNIE HUGHES,

Defendant.

No. 07 CR 410-8

Hon. Harry D. Leinenweber

ORDER

Defendant Johnnie Hughes has filed a motion for a reduction of sentence under 18 U.S.C. § 3582(c)(2). [ECF No. 1278]. Hughes argues that he is entitled to a reduced sentence in light of Amendment 782, in which the Sentencing Commission reduced retroactively its Guideline ranges for quantity-based drug offenses. For the reasons stated below, Hughes' motion is granted.

In November of 2010, Hughes pleaded guilty to his role in a drug trafficking conspiracy. On November 18, 2010, during Hughes sentencing hearing, the Court assigned a base offense level of 38, which was then decreased by three levels, resulting in a adjusted offense level of 35. Hughes' prior conduct placed him in a Criminal History Category I, which resulted in a guideline sentencing range of 168-210 months' imprisonment. Hughes' offense of conviction carried a mandatory minimum term of imprisonment of 120 months. Ultimately, the Court sentenced Hughes to 144 months' imprisonment.

Amendment 782 lowered the Drug Quantity Table for § 2D1.1 of the Sentencing Guidelines by two levels and became effective on November 1, 2014. This decrease applies retroactively, thus defendants who were sentenced under § 2D1.1 before November 1, 2014 may nonetheless be eligible for sentence reductions. U.S.S.G. § 1B1.10(d), (e)(1); see *United States v. Hayden*, 775 F.3d 847, 850 (7th Cir. 2014). The Court may reduce a defendant's sentence based on Amendment 782 if the amendment has "the effect of lowering the defendant's applicable guideline range." U.S.S.G. § 1B1.10(a)(2)(B). Such a reduction is within the Court's discretion. *United States v. Tidwell*, 178 F.3d 946, 949 (7th Cir. 1999).

In light of Amendment 782, Hughes' base offense level is now 36 and his adjusted offense level is now 33. At the established Criminal History Category of I, this results in a sentencing range of 135-168 months' imprisonment. Thus, the Court may reduce the defendant's term of imprisonment, but not below "the minimum of the amended guideline range." U.S.S.G. § 1B1.10(b)(2)(A). Therefore, the Court reduces Hughes' sentence to 135 months' imprisonment.

For the reasons stated above, the Court grants Hughes' motion for reduction of sentence.

SO ORDERED.

Dated: 3/17/2016

A handwritten signature in black ink, appearing to read "Leinenweber", written over a horizontal line.

Harry D. Leinenweber, Judge
United States District Court